



Minutes Sludge Stakeholders Group Meeting July 8, 2014

I. Welcome & Purpose – Mike Rainey, DES

Mike Rainey of the Residuals Management Section (RMS) provided a brief welcome and thank you to Stakeholders for their commitments of time and effort. The DES goals for rulemaking were listed as:

- 1) Re-adopt Env-Wq 800 (Rule) prior to expiration,
- 2) Amend the Rule to address shortcomings and lapses as perceived by staff, and
- 3) Receive proposals for amendment from the regulated community and other interested stakeholders.

A brief rulemaking schedule was presented:

- 1) July - August 2014: Stakeholder meetings on rule amendments
- 2) Sept. – Oct. 2014: Process improvement meetings, Application of Lean process to sludge permits
- 3) Oct. – Nov. 2014: Residuals Management Section staff prepare initial draft of amended rules
- 4) Nov. 2014: Review of draft by stakeholders and submit to Water Council
- 5) Dec. 2014: Initiate formal rulemaking process
- 6) June 2015: Re-adopt Env-Wq 800

The role of the Stakeholders Group in the upcoming rulemaking includes:

- 1) Discuss and propose changes to the current regulations
- 2) Provide feedback on changes proposed by DES staff
- 3) Review and comment on draft rules prior to initiation of formal rulemaking

II. Group Introductions – Carolyn Russell (facilitator)

Carolyn asked Stakeholders and observers to introduce themselves, state their affiliations, and to say something about themselves. (A stakeholder list with contact information was included with meeting hand-outs.)

III. Background

- a. **NH Sludge Management Rules** – Mike Rainey made a presentation on current state regulations and applicable state statutes. The presentation included an introduction to key terminology, a description of the Env-Wq 800 permit system, and discussion of the system of sludge testing and site inspections mandated by the Legislature. (A copy of the presentation was included with meeting hand-outs)

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- b. Phosphorus Issues in Agricultural Nutrient Management – Carl Majewski** of UNH Cooperative Extension presented information regarding phosphorus (P) management in agriculture. Carl briefly discussed the problems associated with excess P in the environment, particularly in aquatic ecosystems. Potential sources of P contributing to environmental problems were presented and agriculture was identified as one of those sources. The forms of P stored in the soil were highlighted and the equilibria between the various forms were discussed. The P accumulation in agricultural soil was depicted graphically. The potential reasons for excess soil P were identified and management option to address excess soil P and off-field P transport were offered. (A copy of the presentation can be provided upon request.)

Lunch Break (12:30 to 1:30 pm)

IV. Expectations for Stakeholder Group – Carolyn R

Carolyn guided a discussion regarding stakeholder expectations of interactions as group. Respectful communication at all times both in speech and body language was the primary expectation. Being open-minded about ideas offered to the group was another common expectation. Finally, being conscientious about the efficient use of time by avoiding repetition and focusing on the current subject was considered important.

V. Goals of Stakeholder Members for Rulemaking Effort

“If this effort is successful, then”

Individual stakeholders were asked to identify their broad goals for regulation adopted in response to this process. Some of the goals discussed include:

- 1) Rules that remove some of the obstacles to use of sludge, particularly in reclamation, and live up to the stated purpose in Env-Wq 801.01 “to encourage the beneficial use and recycling of sludge with appropriate performance standards,
- 2) Rules that are protective of public health and the environment and enhance public confidence, while allowing some flexibility to achieve compliance,
- 3) Rules that are simpler and more comprehensible to the public and that incorporate adequate and efficient notification and communication with the public and stakeholder groups such as local river advisory committees.
- 4) Rules that are consistent with other DES regulations and to the extent possible consistent with sludge management regulations of neighboring states.
- 5) Rules that incorporate a simplified and efficient permit process,
- 6) Rules that require sludge management comparable to the management requirements for other fertilizers and nutrient sources, and

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- 7) Rules that encourage rather than discourage the closure/remediation of unused or abandon sludge lagoons or monofills.

VI. Define our Agenda

What Topics Need to be Discussed?

The specific topics identified for discussion include:

- 1) Standards
 - a. Soil test P requiring P-based management
 - b. Review sludge quality standards and risk basis
 - c. What constitutes a “product”
 - d. Review setbacks and buffers
 - e. Loading rate calculations
 - f. Review cumulative loading limits and calculation
- 2) Sludge Quality Certification (SQC)
 - a. Introduce a category system for different levels of SQC
 - b. Sludge quality should drive management requirements
 - c. Define product status to reduce management requirements
 - d. Allow one-time reclamation projects
 - e. Reduce testing requirements for SQC renewal
 - f. SPF should be managed more like class A
 - g. Reduce time for sludge mixtures to be considered sludge/biosolids
 - h. Pursue amendment of HB648 testing mandate
- 3) Nutrient management
 - a. P management, P limits in the soil, P index
 - b. Nutrient regulations and management comparable to other fertilizers
 - c. Revise and update nutrient management BMPs
 - d. Nutrient management for reclamation
- 4) Protection of water resources
 - a. Groundwater monitoring for reclamation
 - b. Changes to stockpiling/storage requirements to protect groundwater
 - c. Designated river setbacks
- 5) Public Acceptance
 - a. Biosolids/residuals should be treated as resource instead of a waste
 - b. Look for ways to increase public confidence in sludge recycling
 - c. Look to replace the use of “sludge” with biosolids, SPF, water treatment residuals, etc.
- 6) Regulations and Regulatory Consistency
 - a. Start over – completely rewrite Env-Wq 800

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- b. Consistency with regulations and management for manure, compost, food waste and organics wastes
 - c. Change the regulations for water treatment residuals
 - d. Biosolids rules and effect on solid waste hierarchy
 - e. Consistency with solids waste rules, particularly woodash rules
 - f. Increased guidance on lagoon and monofill closure
 - g. Potential for permit-by-notification
 - h. Make waiver process less cumbersome
 - i. Lean four permit processes
 - j. Should there be de minimus limits for exemption from the rules
- 7) Notification
- a. Notification to LAC and other concerned groups
 - b. Review/reduce abutter notification requirements
 - c. Ensure that annual public notification is not required for sludge “products”
 - d. Require public hearings only upon request from municipality

Other Input/Information Needed?

Other information requested or discussed included:

- 1) Brandon Smith of NRCS was requested to make a presentation on risk assessment at the next meeting on July 22, 2014.
- 2) A presentation on DES sludge quality data was requested. Information on the scope of testing and broad quality trends. What has been learned? What are the risks? Cost-benefit analysis.
- 3) Information on the work of the Shoreland Advisory Committee – specifically their work with agriculture, and on buffers
- 4) Video/example operation (for those not familiar with sludge recovery/reuse operations)
- 5) Common public concerns (need to understand likely opposition to current and future requirements)
- 6) Understand the economics involved e.g., cost/benefit for industry (paper mills) & municipalities of recycling/reuse of sludge versus disposal; and co-benefits of re-use vs. disposal (e.g., reduced trucking/lower carbon emissions)

Organize and Plan our Work/Next Steps

The meeting concluded with a DES commitment to summarize the meeting notes and to organize the ideas discussed. The organization process may suggest a plan of attack for discussion items in upcoming meeting.